

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 2 and 3 are amended for clarity and new claims 7-18 are added.

The Office Action rejects claims 1-6 under 35 U.S.C. §103(a) over U.S. Patent 6,459,942 to Markow et al. (hereafter Markow) in view of U.S. Patent 5,450,312 to Lee et al. (hereafter Lee). The rejection is respectfully traversed.

Independent claim 1 recites a mobile communication terminal comprising a CODEC, an equalizer and a CPU. Independent claim 1 further recites the CPU adapted to supply a timbre control signal corresponding to a frequency band set by a user to the equalizer.

The Office Action states that Markow does not teach a CPU adapted to supply a timbre control signal corresponding to a frequency band set by a user to the equalizer. The Office Action then relies on Lee's Figure 2 to show these missing features. However, Lee and most particularly the cited section of Lee's column 3, lines 47-57 does not teach or suggest the missing claimed features. Rather, Lee discloses a microcomputer 30 that detects a music pattern based on a sub-code detected by a CD IC 20. The microcomputer 30 generates an address signal corresponding to a timbre mode coefficient stored in a table 40. The microcomputer 30 retrieves the coefficient from the table 40 based on the generated address and outputs the result to a digital equalizer 50. Accordingly, these sections do not relate to supplying a timbre control signal corresponding to a frequency band set by a user to the equalizer as recited in independent claim 1. Rather, this section of Lee merely describes the use of sub-codes based on a generated

address. More specifically, Figure 3B shows a timbre mode stored in a table 40. As described in column 4, lines 13-20, the table 40 receives an address signal from the microcomputer 30 so that the table 40 may output a coefficient corresponding to the mode associated with the relevant address. There is no teaching or suggestion for supplying a timbre control signal. Furthermore, there is no suggestion for a CPU to supply a timbre control signal corresponding to a frequency band set by a user. Accordingly, independent claim 1 defines patentable subject matter.

Each of independent claims 5 and 7 define patentable subject matter at least for similar reasons. In particular, independent claim 5 recites a CPU adapted to generate a control signal according to a frequency band set by a user and an equalizer control section adapted to generate a timbre control signal according to the control signal of the CPU. For at least similar reasons set forth above, the applied references do not teach or suggest this combination of features. Accordingly, independent claim 5 defines patentable subject matter.

Furthermore, new independent claim 7 recites a control device to provide a timbre control signal to the equalizer, the timbre control signal being based on the frequency band set by the user. For at least similar reasons as set forth above, the applied references do not teach or suggest these features. Accordingly, independent claim 7 defines patentable subject matter.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject at least for this reason. In addition, the dependent claims also recite features that further and independently distinguish over the applied references.

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CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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